

BILL NO. 77-107

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

BILL NO. 77-107

Introduced by Councilman Spry

Legislative Day No. 77-31

Date: October 11, 1977

AN EMERGENCY ACT to repeal Sections 432 through 452, heading, Department of Public Works, subheading, Division of Water and Sewer, of the Code of Public Local Laws of Harford County (1965 Edition, as amended), and to repeal Section 489A, heading, Transfer of Metropolitan Commission Finances, of the Code of Public Local Laws of Harford County (1965 Edition, as amended), and to repeal Article 1, heading, Joppatowne Sanitary Subdistrict, and Article 2, heading, Private Utility Meters, all of Chapter 24, heading, Water and Sewer, of the Harford County Code, and to add new Article 1, heading, General, new Article 2, heading, Joppatowne Sanitary Subdistrict, and new Article 3, heading, Private Utility Meters, and new Article 4, heading, Applicability, to said Chapter 24 of the Harford County Code, to stand in lieu of the repealed Sections and Articles; new Article 1 to provide for the requirements for the operation of water and sewer systems in Harford County and the construction, establishment and maintenance of water and sewer projects and sanitary subdistricts; to provide for the methods by which water and sewer projects are financed; to provide planning methods for water and sewer in Harford County; to provide for the control of water and sewer distribution by Harford County; to establish requirements for public works agreements; to

By the Council, October 11, 1977

Introduced, read first time, ordered posted and public hearing scheduled

on: November 8, 1977

at: 7:00 P.M.

By Order: Angela Markowski, Secretary

PUBLIC HEARING

Having been posted and Notice of time and place of hearing and Title of Bill having been published according to the Charter, a public hearing was held on November 8, 1977 and concluded on December 6, 1977.

Angela Markowski, Secretary

BILL NO. 77-107

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COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

BILL NO. _____

Introduced by _____

Legislative Day No. _____

Date: _____

provide regulations for operating expenses and charges; and to provide penalties for the violation of Article 1; to provide for the recodification of Article 2, heading, Joppatowne Sanitary Subdistrict, which Article establishes a sanitary subdistrict in Joppatowne, Maryland, with special debt retirement provisions related thereto and to further provide for the recodification of Article 3, heading, Private Utility Meters, which Article establishes procedures and regulations for use by the County of certain private utility meters; new Article 4, heading, Applicability, to provide penalties for the violation of said Chapter 24; to give authority to the Department of Public Works regarding regulations; and generally this Act governs water and sewer service in Harford County, Maryland.

By the Council, _____

Introduced, read first time, ordered posted and public hearing scheduled

on: _____

at: _____

By Order: _____, Secretary

PUBLIC HEARING

Having been posted and Notice of time and place of hearing and Title of Bill having been published according to the Charter, a public hearing was held on _____ and concluded on _____.

_____, Secretary

BILL NO. 77-107

1 Section 1. *Be It Enacted By The County Council Of Harford County,*
2 *Maryland,* that Sections 432 through 452, heading, Department of
3 Public Works, subheading, Division of Water and Sewers, of the
4 Code of Public Local Laws of Harford County (1965 Edition, as
5 amended), and Section 489A, heading, Transfer of Metropolitan
6 Commission Financies, of the Code of Public Local Laws of Harford
7 County (1965 Edition, as amended), and that Article 1, heading,
8 Joppatowne Sanitary Subdistrict, and Article 2, heading, Private
9 Utility Meters, of Chapter 24, heading, Water and Sewer, of the
10 Harford County Code, be, and they are hereby repealed; and that
11 new Article 1, heading, General, Article 2, heading, Joppatowne
12 Sanitary Subdistrict, Article 3, heading, Private Utility Meters,
13 and Article 4, heading, Applicability, be, and they are hereby
14 added to said Chapter 24 of the Harford County Code, to stand in
15 lieu of the Sections and Articles repealed, and to add new material
16 (Article 1, General), all to read as follows:

17 CHAPTER 24. WATER AND SEWER.

18 ARTICLE 1. GENERAL.

19 Section 24-1. Definitions.

20 (a) As used in this Chapter:

21 (1) Community Sewerage System. Any system,
22 whether publicly or privately owned, serving two (2) or more
23 individual properties for the collection and disposal of sewerage
24 or industrial wastes of a liquid nature, including various devices
25 for the treatment of such sewage and industrial wastes.

26 (2) Community Water Supply System. A source of
27 water and a distribution system, including treatment facilities
28 and storage facilities, whether publicly or privately owned,
29 serving two (2) or more individual properties.

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1 (3) Department. The Department of Public Works.

2 (4) Developer. A person or business entity that
3 has as its primary objective the construction of structures on
4 parcels of land.

5 (5) Development. The construction or structures
6 on parcels of land.

7 (6) Director. The Director of the Department of
8 Public Works.

9 (7) Individual Sewerage System. A single system
10 of sewers and piping, treatment tanks or other facilities serving
11 only a single building and disposing of sewage or individual
12 wastes of a liquid nature, in whole or in part, on or in the soil
13 of the property, into any waters of this State, or by other
14 disposal methods.

15 (8) Individual Water Supply System. A single
16 system of piping, pumps, tanks, wells or other facilities utilizing
17 a source of ground or surface water to supply a single building.

18 (9) Multiple Use Sewerage System. A single
19 system serving a single property, whether owned or operated by an
20 individual or group of individuals under private or collective
21 ownership and serving a group of individuals for the collection
22 and disposal of sewage or industrial wastes of a liquid nature,
23 including various devices for the treatment of such sewage and
24 industrial wastes having a treatment capacity in excess of five
25 thousand (5,000) GPD (gallons per day).

26 (10) Multiple Use Water Supply System. A single
27 system of piping, pumps, tanks or other facilities utilizing a
28 source of ground or surface water to supply a group of individuals
29 on a single property, and having a capacity in excess of one
30 thousand five hundred (1,500) GPD (gallons per day).

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1 (11) Physically Benefited. A utility connection
2 has been constructed to the property or easement line; and that
3 the respective transmission facilities are adequate and available;
4 and that only a plumbing installation is required to physically
5 service the improvements to the property.

6 (12) Private Parkland. Real property owned by
7 community associations or other nonprofit associations used for
8 public parks, playgrounds or picnic areas. As used in this
9 Subsection, community association means any incorporated association
10 whose membership is limited to voluntary subscription by residents
11 of the community or development and which has no power either by
12 law, covenant or any other means to assess fees against residents
13 or property owners based on property values.

14 (13) Project. Construction of water and/or sewer
15 lines in a sanitary district or subdistrict not including hookup
16 to individual homes.

17 (14) Sanitary District. All that land included in
18 the corporate boundaries of Harford County, Maryland, including
19 all sanitary subdistricts.

20 (15) Sanitary Subdistrict. The subdivision of the
21 sanitary district into areas of sewer and/or water service made
22 necessary by topographic or economic conditions.

23 (16) Sewage. All human and animal excretions,
24 street wash, domestic and manufacturing waste, when carried by
25 water, either in suspension or solution.

26 (17) Sewerage System. All the agencies, methods,
27 appliances or operations, natural or artificial, singly or combined,
28 that enter into the collection, transportation, treatment and
29 final disposition of sewerage.

30 (18) Small Acreage. Lots, tracts or parcels from
31 three (3) to and including eleven (11) acres in size.

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1 (19) Water and Sewer Plan. The Master Water and
2 Sewer Plan for Harford County adopted pursuant to Article 43,
3 Section 287C of the Annotated Code of Maryland, as amended.
4 Section 24-2. Incorporation of Law in Contracts.

5 (a) The provisions of this Chapter shall be incorporated
6 in and be a part of each and every contract, agreement or other
7 writing entered into, agreed to, or signed on behalf of the County
8 or its officers and employees pertaining to water supply, sewerage
9 or drainage facilities, systems or service as though it were fully
10 set forth in the contract, agreement or writing.

11 Section 24-3. Sanitary Districts.

12 (a) Harford County, Maryland, is declared to be a
13 sanitary district, and the Department of Public Works, Division of
14 Water and Sewer, shall exercise control of all publicly owned
15 water, sewerage and wastewater facilities and systems in Harford
16 County and rules and regulations governing the use and conservation
17 thereof may be adopted as provided for in the Charter, provided:

18 (1) That the Council may establish sanitary
19 subdistricts.

20 (2) That the Department shall exercise no authority
21 over the operation or construction of the sewerage, water and
22 drainage facilities of any incorporated municipality, including
23 the extension of such facilities beyond the corporate limits of
24 any municipality, as such extensions existed on February 15, 1973.

25 (3) That the extension of such facilities beyond
26 the corporate limits of any municipality after February 15, 1973,
27 shall be subject to the approval and authority of the County
28 Council by action on the Water and Sewer Plan, except that such
29 approval shall not be required in the event of annexation pursuant
30 to Article 23A of the Annotated Code of Maryland, and provided
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1 further that whenever annexation occurs where water and/or sewer
2 facilities have been previously installed by Harford County, all
3 outstanding bonds remaining unpaid for such facilities shall be
4 redeemed by the municipality annexing, as a condition precedent to
5 the County's approval of the annexation.

6 (4) That the merger of the Edgewood Sanitary
7 District with the Harford County Sanitary District shall in no
8 manner affect outstanding bonds.

9 (5) That in exercising the powers granted by this
10 Chapter, the Department shall not be subject to the provisions of
11 any zoning laws effective in Harford County, Maryland.

12 Section 24-4. Sanitary Subdistricts.

13 (a) The Council may establish by legislative act
14 sanitary subdistricts within the Sanitary District of Harford
15 County, Maryland, or within a subdistrict previously established;
16 said subdistricts to be established with an appropriate description
17 of the physical boundaries.

18 (b) Rates, charges, assessments or other payments
19 required by or levied by the County within any subdistrict may
20 vary in amount or procedure with those of the Harford Sanitary
21 Subdistrict or any other established subdistrict. All such
22 amounts required may be revised from time to time by legislative
23 action of the County Council.

24 (c) The boundaries of a sanitary subdistrict shall be
25 altered, modified or abolished only by legislative action of the
26 County Council.

27 (d) A sanitary subdistrict shall be governed by this
28 Chapter and any rules and regulations adopted pursuant to this
29 Chapter. Special rules and regulations may be provided for a
30 subdistrict pursuant to Section 807 of the County Charter.

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1 Section 24-5. Permits Required.

2 (a) Construction Work. Prior to any plumbing, water-
3 works or sewer construction beginning in any building or upon any
4 private property within the sanitary district, the person, firm or
5 corporation doing the construction shall first pay the prescribed
6 permit fee where applicable and obtain a permit from the County.
7 The work shall be done pursuant to such laws, rules, regulations
8 and requirements as the County may from time to time adopt,
9 subject to such inspection as the County may deem necessary.

10 (b) Installations. No community or multiple use water
11 supply or sewerage system shall be constructed, nor shall any
12 existing community or multiple use water supply or sewerage system
13 be extended in the sanitary district unless the person, firm or
14 corporation doing the work has first obtained a permit from the
15 County or is doing the work for the County. The systems shall be
16 installed, maintained and operated under the adopted rules and
17 regulations of the Department, or the State Department of Health
18 and Mental Hygiene and the Department of Natural Resources and any
19 other applicable State or local department.

20 Section 24-6. Water and Sewer Service.

21 (a) Water and/or sewer services installed by the County
22 will be pursuant to an order or recommendation by the Health
23 Department or the Department of Public Works or upon the request
24 of private property owners. Service installed by contractors or
25 developers will be installed by themselves at their own expense,
26 but where the County is to do the installation, the same conditions
27 and procedures will be followed as in the case of all other private
28 property owners.

29 (b) General. All requests for water or sewer service
30 shall be filed with the Department, which shall review the request
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1 and take such action as is required. Prior to incurring any
2 obligations or expending substantial efforts on behalf of any
3 request or project, the Department shall make a determination as
4 to the point in time when there will be adequate facilities and
5 capacity available to provide the service requested. If it is
6 determined by the Department that the project should be undertaken,
7 the Department shall so approve, if the project is shown in the
8 Water and Sewer Plan or recommend an appropriate amendment by the
9 County Council to the Master Water and Sewer Plan when the requested
10 service is of the type or nature that must be included in the
11 Plan.

12 (c) Health Department Recommendation. A recommendation
13 to provide public water or sewer service from the State Department
14 of Health and Mental Hygiene shall not be acted upon by the County
15 unless:

16 (1) The Health Department states, with specificity,
17 the exact conditions existing, the alternatives available to
18 correct the conditions, an analysis of the alternatives and a
19 conclusion stating the reasons why public service is the only
20 reasonable means of correcting or eliminating the conditions to be
21 alleviated.

22 (2) In the case of an order of the Health Department,
23 the County shall comply, but the Department of Public Works may
24 conduct its own analysis as provided for in Subparagraph (1)
25 above; and where Council approval is required, forward the analysis
26 to the Council.

27 (d) Developer Initiated Projects. Projects to provide
28 service to proposed or approved developments or subdivisions shall
29 be installed at the expense of the developer in accordance with
30 the rules, regulations and specifications adopted by the Department.

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1 Where the County's basic facilities are such that service cannot
2 be provided to a particular development or subdivision, if adequate
3 capacity to serve is available, the developer may, if a public
4 works agreement is properly executed and the project is included
5 in the Water and Sewer Plan, construct the basic facilities at his
6 own expense, in accordance with the rules, regulations and
7 specifications of the Department, and convey the facilities to the
8 County. The County may purchase rights-of-way, easements or fee
9 simple title to land for the facilities and be reimbursed by the
10 developer if the project is properly provided for in the capital
11 budget and Water and Sewer Plan. Where developers request the
12 County to install lateral lines, the procedure provided for in
13 Subparagraph (e) of this Section shall be followed.

14 (e) Petitioned Service. All requests for water or
15 sewer service by individual property owners shall be written and
16 accompanied by and include a statement that obligates all owners
17 individually and jointly and the property to be serviced to pay
18 all expenses incurred by the County pursuant to the request if the
19 requested service is provided. Such expenses will become part of
20 the total project cost. An owner filing a petition requesting
21 service must sign an affidavit stating that all fee simple owners
22 of that property have signed the request; otherwise, the request
23 will not be considered valid.

24 (1) Where all of the owners of all of the properties
25 that will be serviced, if a request is honored, sign a request
26 and obligate themselves to pay for the costs incurred by the
27 County, to provide requested services, an advertised public hearing
28 to determine if the project will be undertaken is not required.

29 (2) Where less than all of the owners of all of
30 the properties that will be serviced, if a request is honored,
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1 sign a request and obligate themselves to pay for the costs
2 incurred by the County, an advertised public hearing to determine
3 if the project will be undertaken shall be held by the Council.
4 Notice of the public hearing shall be sent to the persons who have
5 signed the request, those persons listed as co-owners who have not
6 signed the request, and, for other properties to be serviced,
7 notice will be sent to those persons listed as owners in the tax
8 records of the County for the purpose of collections and payment
9 of taxes and to the persons who last paid the taxes on the property.
10 Failure to notify personally shall not invalidate any Council
11 decision.

12 (A) The public hearing shall be advertised,
13 and, where required, notice given as a proposed amendment to the
14 Water and Sewer Plan.

15 (B) At the public hearing, the Department
16 shall present the property owner's written request, his preliminary
17 analysis of the request, the estimated costs of providing the
18 service, a recommended method of assessment that, in their opinion,
19 will provide the most equitable division of the cost of the project,
20 and any other data considered pertinent by the County.

21 (C) If the Council is of the opinion that the
22 service can and should be provided, an amendment to the Water and
23 Sewer Plan shall be adopted if required. The Council shall also
24 adopt legislation, the method of assessment to be utilized in
25 assessing the properties that are serviced.

26 (D) Where the properties are to be assessed,
27 the procedures provided for in Section 24-26 shall be followed.
28 Section 24-7. Responsibility for Construction, Operation,
29 Maintenance and Control of Water Supply and Sewerage Systems.

30 (a) The Director shall be responsible for the construction,
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1 operation and maintenance of all public water supply and sewerage
2 systems of the County.

3 (b) The Director shall be responsible for and shall
4 have control of all construction of all capital projects for all
5 public water supply and sewerage systems of the County.

6 (c) All water supply and sewerage systems constructed
7 in the County shall be constructed in the manner prescribed by law
8 and rules and regulations as adopted by the Department.

9 (d) All private water supply and sewerage systems in
10 the County shall be constructed, operated and maintained in the
11 manner required by law.

12 Section 24-8. Construction. All construction of water supply,
13 sewerage and drainage facilities within the County shall be in
14 accordance with the applicable specifications, rules and regula-
15 tions of the Federal, State and County Governments.

16 (a) All construction by private persons, firms or
17 corporations shall be inspected and approved by the County prior
18 to its being connected to the County system. All construction
19 shall be in accordance with the approved permits, plans and
20 specifications, but may be modified with the written approval of
21 the Director or his designee. The Director shall require such
22 security as may be necessary to insure the completion of the
23 construction work in accordance with approved plans, specifications,
24 rules and regulations.

25 (b) Construction by the County shall be completed in
26 accordance with approved plans and established specifications,
27 rules and regulations. No project construction shall be initiated
28 until monies are available to complete the project, except in
29 the projects funded by grant monies. Construction by the County
30 may be accomplished by County employees or by persons, firms or
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1 corporations who have been properly awarded a contract under
2 existing laws, rules and regulations.

3 (c) All construction undertaken by the County under a
4 contract with a private person, firm or corporation, shall have
5 established by the Director a period of time, not to exceed
6 twelve (12) months, within which all costs to be charged to the
7 construction shall be filed with the Department. If such costs
8 are not filed within the prescribed time period, the costs will
9 not be paid by the County.

10 (d) After the Director certifies the costs of each
11 contract or project, the Treasurer, in cooperation with the
12 Director, shall determine the total cost of each project or
13 contract. Where a contract or project is to be amortized by
14 assessments against private property, the assessment shall be
15 established in accordance with Section 24-26. The Director shall
16 keep such records as may be required to make a proper determina-
17 tion of the assessment to be charged.

18 Section 24-9. Construction of Community or Multiple Use System.

19 (a) No community or multiple use sewerage, water supply
20 or drainage system, or extension or modification thereof, may be
21 constructed by any private owner or have the capacity increased
22 without the prior approval of the Council.

23 (b) Allowing the construction of community or multiple
24 use systems is discretionary. Community or multiple use systems
25 may be constructed only if the following criteria are met:

26 (1) The Council approves of the planned construction
27 by placing the requested system in the County Water and Sewer Plan
28 by map and textual amendment after the required procedures for
29 such approval are completed.

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- 1 (2) The system is in an area that will receive
2 services by the County within ten (10) years of the date the
3 request is filed or the existing residents of the area have been
4 ordered to correct an existing health hazard and construction of a
5 community or multiple use system is the most economical method of
6 correcting the causes of the hazard.
- 7 (3) All necessary permits are obtained.
- 8 (4) The system is constructed under the inspection
9 of the Department in accordance with the plans and specifications
10 approved by the Director or his designee.
- 11 (5) Upon completion of the system, it shall be
12 conveyed to and made a part of the system of Harford County at no
13 cost to the County.
- 14 (6) The system shall comply with all State and
15 County Health Department regulations and Department regulations
16 pertaining to the planning, construction, maintenance and opera-
17 tion of such system.
- 18 (7) The users of the system shall pay for the cost
19 of operation and maintenance of the system at a rate to be set by
20 the Council. The Treasurer shall, upon the advice of the Director,
21 make recommendations to the Council as to the rate required.
- 22 (8) The Developer shall pay an area connection
23 charge for each unit property that is to receive the service.
- 24 (9) Each and every property located in the
25 development for which a permit is or has been issued for an
26 individual water supply or sewerage system, or both, shall be
27 required to connect to the community or multiple use system as
28 hereinbefore provided, for connections to public systems.
- 29 (10) All payments, with the exception of the water
30 or sewer use charges, shall be paid prior to the issuance of any
31 building permit for the construction of each unit.
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1 Section 24-11. Connections.

2 (a) All connections to the County water supply, sewerage
3 and drainage systems shall be made in accordance with this Chapter,
4 the County plumbing code and other established rules, regulations
5 and laws.

6 (b) Whenever any public water or wastewater lateral or
7 drainage system is ready for the delivery of water or the
8 reception of wastewater or drainage, every abutting property owner
9 shall be notified that he may now connect to the system and that
10 all abutting property shall be assessed for the cost of construction
11 and shall be required to pay an area connection charge within six
12 (6) months of the date of the notice. However, if the Director or
13 County Health Officer shall find that any drainage or any dry
14 well, privy, vault or well for household purposes shall constitute
15 a nuisance or a menace to health or safety, the County shall
16 require immediate connection to the public water, wastewater or
17 drainage system. If any person shall fail to make a connection as
18 required by this Section, the County, upon written notice to the
19 property owner, shall charge the property owner(s) the existing
20 costs of connecting to the County's system and bill the owner(s)
21 and property the flat rate charge for water and/or sewer use as
22 established by law for unmetered sewer/water use. The Director
23 shall forthwith request the County Attorney to institute
24 appropriate legal proceedings to insure compliance with this
25 requirement.

26 (c) When a connection is made, the property owner shall
27 make a connection of all spigots or hydrants, toilets and waste
28 drains with the public water or wastewater lateral and no cesspool,
29 septic tank, dry well, privy, vault or well for household water
30 purposes shall be used or maintained on the property and no cross-
31 connection of any kind shall be permitted.

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1 (d) Compulsory connection to private sewerage system.
2 Whenever there is any community that does not have adequate
3 facilities for the disposal of wastewater and the Director deems
4 it inexpedient to construct a publicly owned sewerage system, as
5 provided by law, and there is or may be constructed or maintained
6 by private enterprise a wastewater system or disposal plant for
7 public use, the Director shall investigate the sewerage problem.
8 If after due notice to all persons who may be directly affected by
9 the actions of the Director, and an opportunity to be heard at a
10 public hearing, the Director determines that the conditions in
11 such community are such as to be dangerous to public health,
12 safety or general welfare of the County; then it shall be the duty
13 of the Director to issue an order directing the owners or occupants
14 of the community, within such reasonable time and in such reasonable
15 manner as by such order may be prescribed, to connect their
16 respective premises to the private sewerage system.

17 (1) Appeals from such orders of the Director may
18 be taken to the Board of Appeals within thirty (30) days of the
19 issuance of the Order. An appeal shall stay further action by the
20 County under the order until it is decided. If the appellate
21 review upholds the County's actions, the County shall forthwith
22 proceed with such Court proceedings as may be necessary to
23 effectuate the purposes of the Order.

24 (e) Connections. The Director may at any time permit
25 or require a connection with a water or sewer main by a property
26 owner who has not previously paid a benefit charge for the
27 construction of a water or sewer lateral or main, provided the
28 Director classifies the property and a front foot assessment is
29 paid by the property owner as though the property abutted upon a
30 water or sewer lateral or main. If the connection is made, the
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1 property owner and the property; as to all charges, rates and
2 benefits, stand in every respect in the same position as if the
3 property abutted upon a water or sewer lateral or main.

4 (f) When a purchased system is to be connected to a
5 portion of the existing County water, sewer or drainage systems,
6 all properties receiving services from the purchased system will
7 be charged the normal area connection charge that is being charged
8 by Harford County for a connection, at the time of the connection
9 of the purchased system, to any other portion of the County
10 system, or at the time the purchased system becomes a sanitary
11 subdistrict of the County.

12 Section 24-12. Connection Charges.

13 (a) If not previously paid, the County shall make a
14 charge for every drainage, sewer and water connection in the
15 amount set by law. Connection charges, which are used to amortize
16 the costs of capital facilities, shall be established from time
17 to time by law. Connection charges may be based upon reasonable
18 classifications that may vary within any water, sewer or drainage
19 system and among any such systems depending on the existence of
20 any special circumstances. The charges shall not be limited to
21 the costs to the County for making such connections. The Treasurer
22 shall determine the manner in which such charges shall be paid by
23 adopting appropriate rules and regulations.

24 (b) Connection charges shall be levied against property
25 or each unit for which water or sewer service is available and
26 each unit connecting to the County's water and/or sewer system in
27 accordance with the rates established and revised from time to
28 time. Payments for connection charges will not be accepted or
29 credited and building permits will not be issued until water
30 and/or sewer service is, in fact, available to the respective
31 unit to be connected.

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1 (c) Where area connection charges are paid and building
2 permits are issued, commencement of construction shall be made
3 within eighteen (18) months from the date of issuance of the
4 building permit or the applicant may lose the allocation of
5 service for the building permit and have all permits issued and
6 agreements entered into by the County become null and void by
7 operation of law. A charge shall be made by the County for the
8 reservation of service and processing of permits.

9 (d) If a similar credit for contribution by the property
10 owners has not been previously allowed in their case as provided
11 for by Section 24-20, when a purchased system is to be connected
12 to a portion of the existing County system, those properties
13 connected to the purchased system shall be required to pay only
14 that amount of the then existing area connection charge that
15 exceeds any amount computed as a credit to the County at the time
16 of determining the County's purchase price. (i.e., monies that
17 were deducted from the purchase price because they were payments,
18 contributions or taxes paid by lot or property owners toward the
19 construction of the system being purchased by the County; or
20 monies to be deducted from the land or lots for the purpose of
21 constructing the system being purchased.) Otherwise, all properties
22 will be charged the normal area connection charge that is being
23 levied for a connection, at the time of the connection of the
24 purchased system, to any other portion of the County system or at
25 the time the purchased system becomes a sanitary subdistrict of
26 the County.

27 (e) As of the effective date of this Act, the rate of
28 connection charge shall be determined by the following procedures:

29 (1) All connection charge rates expressly and
30 lawfully established in any contractual agreement executed prior
31 to said effective day shall remain valid; provided said agreement
32 remains in force and effect until the respective property is

1 physically benefited with water or sewer service. If said
2 agreement shall be declared null and void and no longer in force
3 and effect prior to the respective property being physically
4 benefited, then the rate of connection charge shall be re-established
5 in accordance with the applicable portions of this Act.

6 (2) All property platted and recorded in the Land
7 Records of Harford County, Maryland, which is required to connect
8 to the public water or sewer system as a condition of recordation;
9 and which has not been physically benefited with the required
10 service; and whose connection rate is not expressly and lawfully
11 established in any contractual agreement, shall be required to
12 pay at the rate which was in effect at the time the property was
13 so platted and recorded; provided, however, that the property is,
14 in fact, physically benefited with such required service within
15 eighteen (18) months of the date of recordation. In the event
16 said service is not provided within the requisite time, then the
17 connection rate shall be re-established to be that in effect at
18 the time the property is, in fact, physically benefited.

19 (4) All property to be benefited with water or
20 sewer service by mandate of any Federal, State or County legislative
21 action which prohibits construction of, repair to or causes the
22 eventual abandonment of an individual system, shall pay the
23 connection rate in effect at the time said legislative action
24 became effective; provided, however, that said legislative action
25 is not abrogated prior to the property being physically benefited.

26 (5) All other property physically benefited with
27 water or sewer service after the effective date of this Act shall
28 pay the connection rate in effect at the time said property is so
29 physically benefited.
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1 (g) All connection charges, regardless of the connection
2 rate, must be paid prior to the physical connection to the
3 respective system or within six (6) months of the date the
4 property is physically benefited, whichever is earlier.

5 (h) If, once physically benefited, the use of a
6 property is altered in such a manner that existing service must
7 be increased or enlarged, then the County shall require an additional
8 connection charge for such increased or enlarged portion of
9 service; said additional charge to be at the rate in effect at
10 the time said additional service is provided.

11 Section 24-13. Water and Sewer Plan. The Water and Sewer Plan
12 is adopted and amended in accordance with State law and regulations
13 of the State Department of Health and Mental Hygiene.

14 (a) It shall be the duty and responsibility of the
15 Director to insure that timely reviews and amendments of the
16 Water and Sewer Plan are recommended to the Council.

17 (b) The Director shall insure that no later than the
18 first legislative session in the month of October of each year
19 that a review of the Plan and any recommendations he may have are
20 forwarded to the Council in a form and manner that upon adoption
21 by the Council may be inserted in the current Plan as new page
22 inserts or adopted as a new Plan in toto.

23 (c) All requests for amendments to the Water and Sewer
24 Plan shall be filed with the Department of Public Works who shall
25 review and forward the request to the Council with such recommendation
26 as it shall deem appropriate. All costs of reviews and amendments
27 incurred by the County pursuant to a request by a private party
28 or parties for an amendment to the Water and Sewer Plan shall be
29 borne by those parties. Advertisement costs shall be paid prior
30 to the holding of each public hearing and advance payments may be
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1 required by the Council Secretary. The Department may require
2 the execution of an agreement by the party or parties requesting
3 the amendment to pay the expenses pursuant to the request.

4 Section 24-14. Water or Sewer Capacity; Industrial Reservation.

5 (a) All new ratings that increase the capacity of a
6 water supply or sewage treatment plant that serves land in the
7 twenty (20) year water or sewer service area that is designated
8 in the land use element of the Harford County Master Plan as an
9 industrial use area shall have at least twenty-five percent (25%)
10 of its total increase reserved for industrial use, after existing
11 obligations (as of the effective date of this Act) for use of
12 capacity have been satisfied.

13 Section 24-15. Fire Hydrants.

14 (a) The County shall have full and complete jurisdiction
15 over all fire hydrants connected with its water system, and no
16 person, firm or corporation may operate, use, make connection
17 with, or withdraw water from the system without the written
18 authority of the Director or his designee, except that no restriction
19 shall apply to any bona fide fire department in the discharge of
20 its duties.

21 (b) The Director, upon a determination that public
22 safety will be served, may require the installation of fire
23 hydrants to public or private systems existing or to be constructed
24 and may prescribe such rules and regulations for the use and
25 maintenance thereof as he deems necessary.

26 (c) No person, firm or corporation may use, tamper
27 with, deface, damage or otherwise obstruct the use of any fire
28 hydrant, except as may be provided by law, regulation or permission
29 signed by the Director.

30 (d) Fire hydrant service to County residents who are
31 served by the Maryland Water Works may be provided by the County
32 in accordance with the following procedures:

1 (1) Residents requesting service must petition to
2 the County for fire hydrant service. Petitions must be filed
3 with the Department of Public Works.

4 (2) The Department of Public Works shall formulate
5 a preliminary estimate of the total cost and will project the
6 area to be served.

7 (3) The County Executive will request the Council
8 to hold a public hearing.

9 (4) A public hearing shall be held by the Council
10 to determine if the service shall be provided.

11 (5) Upon approval by the Council, the County will
12 begin negotiating a contract with the Maryland Water Works
13 Company for the hydrants and/or service. The Treasurer shall
14 determine the method of collecting monies for the hydrant service
15 and shall make such recommendations to the Council as may be
16 necessary.

17 Section 24-16. Contract; Authority of County.

18 (a) The County may enter into contracts for the
19 connection of the County's water supply, sewerage or drainage
20 systems, with those of any municipality or adjoining County, or
21 any other governmental agency, for the purchase of water and for
22 the disposal of sewage or drainage from any sanitary district,
23 and to enter into any other agreement concerning any matter
24 deemed by the County to be necessary, advisable or expedient for
25 the proper construction, maintenance and operation of the water
26 supply, sewerage or drainage systems under the control of the
27 County, or those under the control of any municipality, other
28 County or other governmental agency. The County is further
29 empowered to enter into contracts with any municipality for the
30 joint acquisition, construction, ownership and operation of any
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1 water supply, sewerage or drainage system or any portion thereof
2 for the benefit of the County.

3 Section 24-17. Consultant Services; Studies; etc.

4 (a) The Department may utilize the services of consultants
5 for the purpose of conducting studies, surveys and the collection
6 and formulation of data and conclusions.

7 Section 24-18. Service Charges and Operation and Maintenance
8 Charges. For the purpose of providing funds for maintaining,
9 repairing and operating its water supply, sewerage or drainage
10 systems, and for its operation and other expenses, including
11 proper depreciation allowances, and for interest on and the
12 retirement of bonds as specified in this Chapter, the County may
13 make the following charges:

14 (a) A Water and Sewer Service Charge. The County may
15 establish a charge for water, sewer and drainage service which
16 may include a minimum of ready-to-service charge, which may be
17 based upon the size of the meter on the water connection leading
18 to the property, and a charge for water used, which shall be
19 based upon the amount of water passing through the meter since
20 the last charge was made, if any, and such other criteria as may
21 be reasonable. When a meter is not installed at a property that
22 is ~~connected~~ to the system, then a flat rate shall be charged on
23 that property; such rate shall be uniform in each sanitary system
24 and based upon the ready-to-serve charge and an average amount of
25 water used by properties in the County or sanitary system. Bills
26 for water and sewer service shall be sent monthly, quarterly or
27 semiannually as the Treasurer may determine to each property
28 served and shall be payable at the office of the Treasurer or
29 such other place as may be designated. Such charges shall be a
30 lien upon the property served and collectible as provided for
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1 below. If any bill remains unpaid after thirty (30) days from
2 the date of mailing, the Department, after written notice left
3 upon the premises or mailed to the last known address of the
4 owner, may turn off the water to the property in question, and
5 the water shall not be turned on again until the bill has been
6 paid, including any turn-off fee or turn-on fee.

7 (b) A charge may be made by the County for the
8 construction, purchase or establishment and upkeep of drainage,
9 water supply and sewerage systems against all properties benefited
10 by such system or having a connection with any water main, sewer
11 or drain under its operation or ownership. The charge, if any,
12 shall be made upon such reasonable basis as the Council may
13 determine. It may be collected in the same manner as other
14 service charges or annually in the same manner as are front foot
15 benefit and equal assessments, against all property benefited by
16 such drainage system or having a connection with a water main or
17 sewer under the operation or ownership of the County. Such
18 charges may be based upon such classifications as the Director
19 from time to time may recommend and shall be uniform throughout
20 each sanitary system within each such classification.

21 (c) When a person or property owner requests the
22 cessation or commencement of installed service, the Department
23 shall charge a fee, not to exceed Twenty Dollars (\$20), that
24 reasonably recovers the total costs to the County for ceasing or
25 commencing the service.

26 Section 24-19. Meters, Water and Sewer.

27 (a) A meter shall be required to be placed on each
28 water connection and a meter may be required to be placed on a
29 sewer line. Each meter shall remain the property of the County.

30 (b) A charge for the meter and its installation shall
31 be established pursuant to law or duly adopted rules and regula-
32 tions. The rates shall be uniform throughout each system operated

1 by the County, but the Director may establish or recommend such
2 classifications as he deems advisable within any such system
3 based upon quantity of water used and/or size of meter and such
4 other criteria as may be reasonable.

5 (c) Water meter installation shall take place after
6 the final plumbing inspection and notification from the Department
7 of Inspections, Licenses and Permits, and instructions to the
8 Division of Water and Sewer that such inspection has been made.
9 The meter and installation charges shall be that rate in effect
10 at the time of installation.

11 Section 24-20. Charges, Due Dates, Collections, Interest.

12 (a) All charges, levies and assessments provided for
13 in this Chapter shall be liens upon the property served or
14 benefited, and, in addition to being enforced by actions at law,
15 may be enforced by a bill in equity against the property so
16 served or benefited. The liens shall be subordinate only to
17 prior State and County liens. Except for benefit assessments,
18 all charges shall be due when made and after sixty (60) days from
19 that date shall bear interest at the same rate as that is charged
20 for delinquent County real estate taxes. Neither the due dates
21 nor the interval between such dates need be uniform throughout
22 the sanitary district. Benefit assessments shall be due on the
23 same date as County real estate taxes and shall become delinquent
24 on the first day of April.

25 (b) In addition to being a lien upon the property
26 served or benefited, all charges, levies and assessments shall be
27 personal obligations of the owners of the property at the time
28 the charge, levy or assessment attached as a lien against the
29 property.

30 Section 24-21. Deferred Payment for Indigents.

31 (a) In accordance with established rules and regulations
32 the County Executive, upon recommendation of the Treasurer, may

1 defer payment of area charges and bond retirement assessments in
2 cases where the property owner is indigent. These charges shall
3 be a first lien upon the property and shall become due and payable
4 no later than upon transfer of the property or any interest
5 therein and any manner, and the lien shall be recorded among the
6 Land Records of Harford County.

7 Section 24-22. Acquisition by Purchase or Gift.

8 (a) Power to Acquire. The County Executive, with the
9 approval of the County Council, may purchase, or acquire by gift,
10 any existing water, sewerage or drainage systems, or parts thereof,
11 including those owned, operated by or serving any municipality or
12 any land, structure, building, stream bed, water rights or
13 watershed, either in fee or as an easement, which in his judgment
14 is desirable or necessary for the purpose of providing adequate
15 water supply, sewerage or drainage service for the residents of
16 the County. In any such purchase, before any part of the purchase
17 price is paid other than a nominal sum of money to bind the
18 agreement, the vendor or his agent shall furnish an affidavit to
19 the Executive or his designee setting forth all names and addresses
20 of all persons having any interest in or claims against the
21 property.

22 (b) Notice. Upon being notified of the names of
23 persons having an interest in or claim against the property to be
24 acquired, it shall be the duty of the Executive or his designee
25 to notify personally or by certified mail to the addressee only,
26 return receipt requested, all persons having any interest in or
27 claim against the property, and in addition, the Executive or his
28 designee shall give three (3) weeks' notice of the County's
29 intention to purchase the property in a newspaper or newspapers
30 published within the County where the property is located. Each
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1 person having a claim against the property shall file the claim
2 with the Department on or before the expiration date stated in
3 the notice at which time any such persons shall be given an
4 opportunity to be heard.

5 Section 24-23. Acquisition by Condemnation.

6 (a) Power to Condemn. Whenever it is deemed necessary
7 to take or acquire any property or interest therein either in fee
8 or as an easement, right-of-way or other real or personal
9 interest within or without the boundaries of Harford County,
10 Maryland, for the construction, purchase, establishment, extension
11 or maintenance of the County's water supply sewerage, drainage
12 systems or appurtenances thereto, the County Executive may in
13 accordance with established law and procedures, condemn the
14 property or interest by proceedings in the Circuit Court for the
15 County in which the property or right is located; any such proceedings
16 shall be instituted and conducted in accordance with Title 12,
17 Eminent Domain, Real Property Article, Annotated Code of Maryland.

18 (b) Condemnation Award; Deductions Therefrom. In the
19 condemnation awards for privately owned water supply, sewerage or
20 drainage systems, the jury shall take into consideration as a
21 part of its award and deduct therefrom any payment, contribution
22 or tax paid by the respective lot or property owners toward the
23 construction of the system. Where the system or systems have
24 been built in connection with or for the purpose of developing
25 home sites, subdivisions or villages, by any individual, firm or
26 corporation, and such system or systems have been offered as an
27 inducement for the purchase of a lot or land therein, the jury
28 shall deduct from the determined value of the plant or system
29 such sum as it may reasonably determine was added to the purchase
30 price of the land or lots in the sale thereof for the purpose of
31 constructing the system(s).
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1 (c) Acquisition. When taken by condemnation, privately
2 owned systems shall be acquired free and clear of all debts and
3 liens, but the County shall make a party defendant of any person,
4 firm or corporation having any recorded lien or encumbrance
5 against the system, and the Circuit Court shall determine the
6 respective amounts due the defendants; and from and after payment
7 into Court or to the proper parties as hereinabove provided, the
8 County is authorized to take possession of, maintain and operate
9 the system, which shall be subject to the same regulations and
10 penalties as though the system so acquired had been constructed
11 and put into operation by the County under the provisions of this
12 Chapter.

13 (d) System Unsuitable. Whenever there is in existence
14 a privately owned water supply, sewerage or drainage system
15 which, in the judgment of the Director, is unsuitable in whole or
16 part for incorporation into the County's system, the County may
17 disregard the existence of said system or unsuitable part thereof
18 and extend the County system to serve the area tributary to the
19 existing system or unsuitable part thereof, and all the provisions
20 of this Chapter relating to systems constructed by the County
21 apply thereto.

22 (e) At any time after ten (10) days following the
23 return and recordation of the verdict or award in condemnation
24 proceedings, the County may enter and take possession of the
25 property condemned, upon first paying to the Clerk of the Court
26 the amount of the award and all costs taxed to that date,
27 notwithstanding any appeal or further proceedings upon the part
28 of the defendant. At the time of the payment, the County shall
29 give its corporate undertaking to abide by and fulfill any further
30 legal liability.

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1 Section 24-24. Payment for Capital Indebtedness.

2 (a) For the purpose of providing funds for the
3 investigations, surveys, design, construction, establishment,
4 purchase, condemnation or depreciation of water supply, sewerage
5 and drainage systems in the County, and for the purpose of paying
6 any debt of these systems, the Council may:

7 (1) Establish a reserve fund pursuant to Section
8 523(d) of the Charter.

9 (2) Incur debt as provided for by the Charter.

10 (3) Establish charges based upon connections to
11 the system and other criteria.

12 (4) Levy special assessments on the properties
13 benefited by a particular project or portion of the system.

14 (5) Levy assessments on all property benefited by
15 water supply, sewerage or drainage systems in the County.

16 (6) Levy an ad valorem tax on all taxable real
17 property in the County.

18 (7) Establish and levy surcharges.

19 Section 24-25. Serial Bond and Emergency Note Indebtedness.

20 (a) The Council will authorize the incurring of
21 indebtedness by the County in accordance with Sections 518 and
22 524 of the Charter as they deem necessary. The County may pay
23 the interest on any bond series it issues out of the proceeds of
24 the sale of that series for only one (1) year. Any interest
25 derived from unexpended bond monies shall be used only to pay the
26 principal and interest on outstanding bond or emergency note
27 indebtedness. Emergency notes issued to defray noncapital
28 expenditures shall ultimately be paid for from sources that
29 normally are used to pay for noncapital expenditures.
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1 (b) The incurring of indebtedness by the issuance of
2 emergency notes shall be in accordance with the legislative
3 procedures enunciated in the Charter, rules and regulations of
4 the Council and Section 12 of Article 31 of the Annotated Code of
5 Maryland, as amended.

6 (c) Bonded indebtedness incurred by the County shall
7 be incurred in the manner prescribed by the Charter and Article
8 31 of the Annotated Code of Maryland, as amended, and such other
9 provisions of law as may be applicable.

10 (1) County bonds may be redeemed before maturity,
11 at the option of the County, at such price and under such terms
12 and conditions as may be stated in the bonds or as allowed by
13 law.

14 (2) County bonds shall not bear an interest
15 greater than eight percent (8%) per annum and shall be exempt
16 from Federal, State and local taxation insofar as is allowed by
17 Federal and State law.

18 (3) Bonds shall be issued under the Seal of the
19 County and shall contain a statement to the effect that the
20 payment of the principal and interest is guaranteed by Harford
21 County, Maryland.

22 (4) The Executive or his designee shall affix his
23 signature to all bonds and other related documents and statements
24 as required in the bond bills within ten (10) days after they are
25 presented to him for endorsement.

26 Section 24-26. Assessments.

27 (a) The Director may recommend to the Council an
28 annual assessment on all properties in the sanitary district or
29 subdistrict for the purpose of paying for the construction,
30 purchase or establishment of water supply, sewerage or drainage
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1 facilities or to pay the principal and interest due on bonds
2 issued by the County to pay for the facilities. The Director may
3 recommend in accordance with established rules and regulations to
4 the Council an annual assessment on only those properties,
5 improved or unimproved, binding upon a highway, street, road,
6 lane, alley or right-of-way in which a water line, sewer line or
7 drain has been built to defray the expenses of the capital
8 expenditure.

9 (1) However, if a property is connected to a line
10 and does not have frontage abutting upon the highway, street,
11 road, lane, alley or right-of-way in which the line is laid, an
12 assessment shall be levied that is an average assessment for all
13 properties assessed for that particular line to which it is
14 connected.

15 (2) Properties connected to lines classified by
16 the Director as basic mains, lines or facilities shall be charged
17 an annual assessment that shall be substantially equal to an
18 average of all individual property assessments levied in a
19 preceding base year for similar type projects paid for from the
20 same bond issue as the basic main, line or facility to which the
21 property to be assessed is connected, if any, and if no assessments
22 were made for construction paid for from the same bond issue, an
23 assessment substantially equal to an average of all assessments
24 made in a preceding base year for similar type services.

25 (b) All assessments shall be adopted in accordance
26 with the procedures set forth in this Chapter. If not previously
27 assessed and collection made therefor, the assessment shall be
28 made and the first payment shall be collected within twelve (12)
29 months of the date which the books are closed as to the purchase,
30 project, establishment or construction. All sums collected by
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1 the Treasurer from assessments levied against properties for
2 water supply, sewerage or drainage purchases, projects, construction
3 or establishment shall be set aside in a separate fund to be
4 utilized for the purpose of paying for the cost of capital
5 improvements and the principal and interest due on bonds issued
6 by the County to defray capital expenditures for the County's
7 water supply, sewerage or drainage systems.

8 (c) Upon the determination by the Council or the
9 Director that an assessment should be levied, they shall notify
10 the Treasurer. The Director shall:

11 (1) Obtain from the Treasurer final and complete
12 costs of the project and the proper bond variance factors to be
13 applied.

14 (2) Determine the proper assessment to be levied.

15 (3) Request the Council to hold a public hearing,
16 but only in those cases where the total cost exceeds the costs,
17 as estimated, prior to undertaking the project as a public
18 improvement or capital project.

19 (4) Request the Treasurer to send notices of
20 public hearing, if a public hearing is required.

21 (5) Present information at any required public
22 hearing.

23 (6) After approval of the assessment to be levied
24 by the County or determination of what the proper assessment
25 should be, where Council approval is not required, request the
26 Treasurer to send the notices of assessment.

27 Section 24-27. Assessment, Reassessment and Supplemental Assessment.

28 (a) Where properties in the sanitary district or
29 subdistrict have been assessed for a particular improvement in
30 accordance with the method prescribed by law, the assessment must
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1 defray the expenses of the capital improvements for which the
2 assessment was levied.

3 (1) The Treasurer shall insure that a bi-annual
4 review of all assessments is made and that all assessments will
5 provide the requisite amounts of monies to defray the expenses of
6 the capital improvements.

7 (2) Where the monies to be received over the life
8 of the assessment will be insufficient to defray the expenses of
9 the capital improvements for which the assessment was levied, the
10 Treasurer shall:

11 (A) Recommend to the Council a supplemental
12 assessment in the amount necessary that, when added to the
13 original assessment, will insure that the requisite monies are
14 raised to defray the expenses of the capital improvements; or

15 (B) Recommend to the Council a reassessment
16 where:

17 (i) An assessment has been imposed or
18 attempted and payment thereof has not been had.

19 (ii) There has been an error in the
20 assessment, or where the classification of properties assessed
21 has changed, and where the assessment of substantially all of the
22 properties would be substantially decreased.

23 (b) All assessments shall become a lien against the
24 property to which the assessment is levied at the time the
25 assessment law is effective as well as becoming a personal
26 liability of the owner(s) of the property at the time the assessment
27 law is effective. The property liens shall be a first lien on
28 the property, subject only to prior State and County charges.
29 Property liens may be collected at any time, but in the same
30 manner as County taxes are collected.

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1 Section 24-28. Ad Valorem Tax.

2 (a) In the event that all funds available from water,
3 sewer and drainage system sources are insufficient to pay the
4 principal and interest due on any bonds issued pursuant to the
5 authority in this Chapter, the County Executive shall recommend
6 and the County Council shall, in each and every fiscal year in
7 which bonds are outstanding, levy and collect ad valorem taxes
8 upon all the assessable property in Harford County in rates and
9 amounts sufficient to provide for such payments when due, together
10 with accrued interest to the date of payment. In the event the
11 proceeds from the taxes so levied in any fiscal year are inadequate
12 for the above purposes, additional taxes shall be levied in the
13 succeeding fiscal year to make up any deficiency.

14 Section 24-29. Methods of Assessments.

15 (a) Bond Retirement Assessments. The Director may
16 recommend to the Council and the Council may establish an
17 assessment on either a front foot basis or an equal benefit
18 basis. The Director may divide all properties receiving service
19 from a project or binding upon a highway, street, road, lane,
20 alley or right-of-way in which a water line, sewer line or drain
21 has been laid into, one (1) or more of the following four (4)
22 classes: agricultural and small acreage; industrial; commercial
23 and business; and residential. The Director may provide other
24 reasonable classes by rule and regulation. The Director may
25 subdivide each of these classes into such subclasses as may be
26 reasonable to insure an equitable assessment of all properties
27 assessed. The Director may recommend changes in the classification
28 of properties from time to time as the uses of the properties
29 change. Assessments shall be paid annually for all properties
30 for a number of years that is the same as the period of maturity
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1 of the bonds out of which the proceeds came to pay for the
2 capital improvement.

3 (b) Front Foot Benefit Assessments. Except as provided
4 for below, front foot benefit assessments shall be based for each
5 class of property upon the number of front feet abutting upon the
6 highway, street, lane, road, alley or right-of-way in which the
7 water, sewer or drainage pipe is placed.

8 (1) No residential property may be assessed on
9 more than one (1) side for duplicative services unless it abuts
10 upon two (2) parallel highways, streets, lanes, roads, alleys or
11 rights-of-way in which duplicative water, sewer or drainage pipes
12 are laid, and then only if service is utilized from both.

13 (2) Corner lots; where water and/or sewer utilities
14 are provided on two (2) adjacent sides of a property, assessable
15 footage will be determined by averaging the two (2) sides or by
16 using only the side for which the service connection is provided;
17 whichever is the greater of the two (2). In computing this
18 frontage, a curved front lot line of a corner lot shall be
19 computed in accordance with Subsection (7) below.

20 (3) All properties in the residential, industrial,
21 commercial and business classifications shall be assessed based
22 on their full assessable frontage, even though the water, sewer
23 or drainage line may not extend along the full length of the
24 frontage.

25 (4) No land classified as agricultural or small
26 acreage shall be assessed a front foot benefit assessment when it
27 has constructed through it or in front of it a sewer or water
28 main until such time as a water, sewer or drainage connection is
29 made; and when so made, and for every connection, such land is
30 liable to a front foot assessment for such reasonable frontage
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1 not exceeding three hundred (300) feet, and shall be immediately
2 assessed at the rate of assessment determined for agricultural
3 land, provided, however, that where the majority of the lots,
4 tracts or parcels of land that are serviced by the construction,
5 purchase or establishment of a water supply, sewerage or drainage
6 facility are of a small acreage classifications; those lots,
7 tracts or parcels of land shall be assessed for the same frontage
8 as it actually traversed by the improvement they are being
9 assessed for.

10 (5) Where a building receiving service is erected
11 on more than one (1) lot or parcel and only one (1) service
12 connection is provided, it will be assessed as one (1) property.

13 (6) Private parks shall be assessed as agricultural.

14 (7) Except as otherwise provided, where the
15 assessable footage is greater than one hundred fifty (150) feet,
16 the first one hundred fifty (150) feet shall be assessed at the
17 full rate per foot established for the project; the second one
18 hundred fifty (150) feet shall be assessed at fifty percent (50%)
19 of the full rate per foot established for the project; and all
20 the remaining assessable footage shall be assessed at twenty-five
21 percent (25%) of the full rate per foot established for the
22 project.

23 (8) Irregular Shaped Properties. Properties
24 abutting a water and/or sewer line and having a front and rear
25 property line with more than one (1) foot difference will be
26 averaged. Where it is necessary to establish a back lot line and
27 the line is not a straight line, geometric equations shall be
28 utilized to establish a line that represents the average distance
29 from both sides of the plane geometric figure representing the
30 rear most boundaries of the property.

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1 (9) Minimum Assessment. All properties with an
2 assessable front footage less than forty (40) feet, will be
3 assessed at a minimum of forty (40) feet.

4 (10) Commercial and industrial properties shall be
5 assessed at the full rate for all of the assessable front footage
6 abutting a water, sewer or drainage line.

7 (c) Equal Benefit Assessment. An equal benefit assessment
8 may be levied on each of the properties benefited by a purchase,
9 project, establishment or construction of a water supply, sewerage
10 or drainage facility in an equal amount or the assessment may be
11 calculated on a square footage ratio of each property to the
12 total square footage of all properties being assessed, if a
13 square footage ratio would be more equitable. The assessments
14 shall be in whatever amount is required to pay the total cost of
15 the purchase, project, establishment or construction. The word
16 property means all of that land area in common ownership enclosed
17 within the boundaries of contiguous parcels to which one (1)
18 service connection has been provided. Should any property owner
19 divide his property, the same assessment shall be imposed on the
20 new property as on the other properties, except as otherwise
21 provided for above.

22 Section 24-30. Metropolitan Commission.

23 (a) From and after February 15, 1973, all monies
24 of the Metropolitan Commission and all debts, credits, assessments,
25 levies, and charges of every kind and description due to or from
26 the Metropolitan Commission shall become the money, debt, credit,
27 assessment, levy and charge to or of Harford County, Maryland.
28 All money, assessments, levies or charges so collected or to be
29 collected and all debts paid shall be credited or debited as the
30 case may be to the current interest and joint sinking fund and the
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1 Harford County Utility Fund in such banks or trust companies as
2 the County Executive shall designate and such funds shall be
3 kept separate and apart from all other County funds.

4 ARTICLE 2. JOPPATOWNE SANITARY SUBDISTRICT.

5 Section 24-31.

6 The Joppatowne area of Harford County, Maryland, is
7 hereby established as a sanitary subdistrict with physical
8 boundaries stated in metes and bounds as follows:

9 (a) Beginning for the same at a point on the south
10 side of Pulaski Highway (U.S. Route 40) at the juncture of Joppa
11 Farm Road and running thence in a westerly direction along the
12 south side of Pulaski Highway until it intersects the boundary
13 between Harford and Baltimore Counties, thence running and
14 binding on the said boundary line between Harford and Baltimore
15 Counties in a southerly direction until it intersects the
16 Penn Central Railroad. The said boundary line follows the center
17 line of the Little Gunpowder Falls, thence proceeding in an
18 easterly direction and following the northerly right-of-way line
19 of the Penn Central Railroad until it intersects the southeasterly
20 most point of Section VI of Joppatowne, thence binding on the
21 easterly line of Section VI, South 06° 58' 40" West 423.45 feet,
22 thence proceeding in the same direction 66 feet across the U.S.
23 Government electrical transmission right-of-way, thence
24 continuing in the same direction 1564.84 feet, thence North
25 06° 58' 40" East 1373.9 feet, thence North 15° 28' 40" West
26 1599.74 feet, thence North 15° 26' 45" West 818.42 feet to the
27 center of Trimble Road, thence South 62° 43' 55" West 2.56 feet,
28 thence North 14° 59' 20" West 517.25 feet, thence South 70° 15' 05"
29 West 764 feet to the Foster Branch Park, thence South 46° 29' 23"
30 West 156.79 feet, thence South 29° 29' 31" West 201.32 feet, thence
31 South 07° 36' 54" West 97.4 feet, thence South 00° 02' 04" West
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1 82.24 feet to the north side of Trimble Road, thence following
2 the north side in a northerly direction 398.34 feet thence
3 South 40° 25' 09" West 17.32 feet to the center of the paved
4 portion of Trimble Road, thence following the center line of
5 Trimble Road North 47° 27' 20" West 120.0 feet, thence North
6 40° 37' 40" East 368.85 feet thence North 81° 05' 35" West
7 58.56 feet to the west side of Trimble Road and the northeast
8 corner of IV of Joppatowne, thence North 81° 05' 35" West 272.91
9 feet, thence North 81° 50' 35" West 154.04 feet, thence South
10 08° 09' 30" West 151.63 feet, thence South 89° 39' 40" West
11 546.22 feet to the east side of Gilmore Road, thence 50 feet in
12 the same direction to the west side of Gilmore Road, thence 50
13 South 00° 20' 20" East 12.04 feet to the northeast corner of
14 Lot #430 in Section IV of Joppatowne, thence South 87° 09' 10"
15 West 143.54 feet, thence South 00° 51' 10" East 179.75 feet to
16 the north side of the U.S. Governmental Electrical transmission
17 right-of-way, thence crossing the said right-of-way 100 feet more
18 or less to the northwest corner of Lot #21 in Section III of
19 Joppatowne, thence South 33° 08' 50" West 30 feet, thence North
20 56° 51' 10" West 1428.85 feet to the east side of Hinton Road,
21 thence crossing Hinton Road and continuing to Falconer Road
22 North 56° 50' 20" West 1122.22 feet, thence crossing Falconer
23 Road North 33° 09' 40" East 30.51, thence North 56° 50' 20" West
24 1293.34 feet, thence North 56° 51' 30" West 371.44 feet, thence
25 North 08° 22' 45" East 135.32 feet, thence North 62° 22' 45" East
26 264.00 feet, thence North 42° 52' 45" East 347.10 feet, thence
27 North 20° 42' 00" East 144.54 feet, thence North 04° 48' 20" East
28 177.98 feet, thence North 02° 19' 50" West 458.12 feet to the
29 south side of Barksdale Road, thence in the same direction 50
30 feet to the north side of Barksdale Road, thence following the
31 north side of Barksdale Road South 87° 40' 10" West 1332.58 feet,
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1 thence North 06° 07' 10" West 109.84 feet, thence North 02° 59' 20"
 2 East 257.80 feet, thence North 10° 27' 10" East 150 feet, thence
 3 North 17° 21' 10" East 235 feet ±, thence in the same direction
 4 46.38 feet to the middle of Trimble Road, thence following the
 5 center of Trimble Road North 63° 56' 00" East 292.63 feet,
 6 thence North 60° 42' 50" East 313.29 feet, thence North 47° 57'
 7 20" East 219.49 feet, thence North 55° 18' 50" East 183.64 feet,
 8 thence North 65° 13' 30" East 85.91 feet, thence North 78° 56'
 9 50" East, 142.14 feet, thence North 88° 45' 50" East 139.03 feet,
 10 thence South 84° 20' 10" East 240.67 feet, thence South 79° 11'
 11 20" East 187.91 feet to the southeast corner of Section II of
 12 Joppatowne, thence North 07° 16' 00" East 551.40 feet, thence
 13 South 80° 51' 10" East 400 feet, thence North 11° 32' 40" West
 14 780.53 feet, thence South 78° 27' 20" West 113.30 feet, thence
 15 North 11° 32' 40" West 460 feet, thence South 78° 27' 20" West
 16 1148.91 feet, thence South 59° 21' 50" East 76.98 feet, thence
 17 South 27° 21' 50" East 306.46 feet, thence South 04° 53' 40"
 18 East 194.11 feet, thence South 42° 36' 40" West 206.65 feet,
 19 thence South 39° 20' 10" West 373.95 feet, thence South 09° 50'
 20 10" West 359.31 feet, thence South 18° 50' 10" West 295.81 feet,
 21 thence South 03° 05' 10" West 353.96 feet to the center of Trimble
 22 Road, thence following the center line of Trimble Road South 57°
 23 40' 00" West 168.72 feet, thence South 62° 33' 30" West 103.47
 24 feet, thence South 70° 45' 30" West 112.27 feet, thence South 80°
 25 32' 20" West 85.16 feet, thence due West 69.50 feet, thence North
 26 07° 27' 08" East 30 feet to the north side of Trimble Road, thence
 27 following the north side of Trimble Road in a westerly direction
 28 to the southeasterly most corner of Joppatowne Apartment Site #1,
 29 thence North 20° 48' 40" East 59.76 feet, thence North 59° 51' 20"
 30 West 29.08 feet, thence North 30° 07' 50" West 1002.67 feet to the
 31 south side of Pulaski Highway in a westerly direction to the
 32 beginning.

1 Section 24-32.

2 The Joppatowne Sanitary Subdistrict shall also include
3 the following parcels of land:

4 (a) Deeds, as recorded in the Land Records of Harford
5 County, Maryland.

6 G.R.G. Book 740 - Page 138

7 G.R.G. Book 721 - Page 580

8 G.R.G. Book 638 - Page 105

9 G.R.G. Book 816 -- Page 286

10 G.R.G. Book 607 - Page 346

11 G.R.G. Book 607 - Page 352

12 G.R.G. Book 607 - Page 355

13 G.R.G. Book 788 - Page 254

14 H.D.C. Book 906 - Page 381

15 H.D.C. Book 903 - Page 79

16 H.D.C. Book 907 - Page 476

17 S.W.C. Book 251 - Page 278

18 Section 24-33.

19 Funding, construction and authorization of water and
20 sewer lines, extensions and connections to service new developments
21 and building served by the Joppatowne Sanitary Subdistrict shall
22 be as follows:

23 (a) No building permits for projects which will require
24 water and sewage, and no sewer hookup permits, emergency or other
25 type, will be granted if the average daily usage for the previous
26 six (6) months has reached the rated capacity of the existing
27 facilities.

28 (b) No building permits for projects which will require
29 water and sewage, and no sewer hookup permits, emergency or other
30 type, will be granted if the average daily usage for the previous
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1 six (6) months plus the estimated usage of permits granted but
2 not yet in service meets the rated capacity of the existing
3 facilities, estimated usage shall be calculated using a factor of
4 three hundred ten (310) gallons a family per day for residential
5 users on a five eighth inch (5/8") meter. All other types of
6 users shall have their usage estimated using current County
7 standards.

8 (c) The capacity of the Joppatowne Subdistrict sewerage
9 treatment plant shall be as established by the State of Maryland.
10 Section 24-34.

11 (a) A Joppatowne Sanitary Subdistrict Citizens' Advisory
12 Commission consisting of Joppatowne residents shall be established
13 to further the purposes of this Act. Members of the Commission
14 shall be appointed by the County Executive and approved by the
15 County Council in accordance with the Charter of Harford County,
16 Maryland. The Commission shall consult with and advise County
17 authorities concerning the operation of the Joppatowne Sanitary
18 Subdistrict.

19 (b) The Harford County Department of Public Works shall
20 furnish the Joppatowne Sanitary Subdistrict Citizens' Advisory
21 Commission with a monthly report of sewerage hookup permits
22 requested and granted.
23 Section 24-35.

24 (a) A builder or developer requiring new lines,
25 extensions or connections to the Joppatowne Sanitary Subdistrict
26 facility will enter into a public works agreement with Harford
27 County, Maryland.

28 (1) The builder or developer will be required to
29 pay the costs of any water or sewer extensions, pumping stations
30 and/or connections required to service his property.

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1 (2) Any such extensions, pumping stations and/or
2 connections will be considered in accordance with Harford County
3 specifications and under Harford County inspection.

4 (b) The developer or future property owner of properties
5 connected after the effective date of this Act will be assessed
6 for the acquisition and capital amortization and/or debt
7 retirement as established in this Act.

8 Section 24-36.

9 (a) The Joppatowne Sanitary Subdistrict shall be governed
10 by rules and regulations established by the Department of Public
11 Works for the operation of the Joppatowne Sanitary Subdistrict.
12 If not previously adopted, these rules and regulations shall be
13 adopted immediately, subject to change as may be necessary to
14 properly administer the Subdistrict.

15 Section 24-40.

16 (a) The following charges shall be assessed in the
17 Joppatowne Sanitary Subdistrict as follows:

18		Annual Assessment For
19	Meter Size	Debt Retirement and Initial Operating Capital
20	5/8"	\$120.00
21	3/4"	\$240.00
22	1"	\$360.00
23	1 1/4"	\$480.00
24	1 1/2"	\$960.00
25	2"	\$1,008.00
26	3"	\$2,520.00

27 (b) Property owners in the Joppatowne Sanitary
28 Subdistrict may elect to pay the total individual assessment in
29 one (1) complete payment after permanent financing is established
30 by the appropriate establishing authority.

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1 ARTICLE 3. PRIVATE UTILITY METERS.

2 Section 24-37. Meter Readings.

3 (a) Harford County sewer customers who have water
4 supplied to them by a private utility shall be billed as follows:

5 (1) Where the County has obtained water meter
6 readings from a private utility, sewer billings shall be based on
7 the available water meter readings; minimum rates and other usage
8 rates as established by Ordinance No. 75-87 shall be adhered to.

9 (b) Lump sum sewer rate charges shall be levied on
10 Harford County sewer customers where water meter readings have not
11 been obtained from a private utility in accordance with Ordinance
12 No. 75-87 of the Harford County Council.

13 ARTICLE 4. APPLICABILITY.

14 Section 24-38. Law Applicable in Harford County, Maryland.

15 (a) Unless otherwise provided by law, the provisions of
16 this Chapter shall apply to all water, sewer and drainage systems
17 and in all sanitary districts and subdistricts within the corporate
18 limits of Harford County, Maryland.

19 Section 24-39. Rules and Regulations.

20 (a) The Director shall promulgate rules and regulations
21 for the administration and enforcement of this Chapter.

22 Section 24-40. Penalties.

23 (a) Every knowing act or omission in violation of this
24 Chapter and rules and regulations adopted pursuant to this Chapter
25 shall, unless otherwise provided for, be punishable in the District
26 Court or Circuit Court for Harford County; and the offender, upon
27 conviction, shall be subject to a fine not exceeding One Thousand
28 Dollars (\$1,000) or to a confinement in the County Detention
29 Center for not more than six (6) months, or both, in the discretion
30 of the Court. If the act or omission is with knowledge and is of
31 a continuing nature and is persisted in, in violation of the
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1 provisions of this Chapter, or of any rule or regulation formulated
2 thereunder, a conviction of one (1) offense shall not be a bar
3 to the conviction for continuation of such offense subsequent
4 to the first or any succeeding conviction.

5 Section 2. *And Be It Further Enacted*, that if any provision or
6 provisions of this Act, or the particular application thereof,
7 shall be held to be invalid, the remaining provisions and their
8 application shall not be affected thereby. Should any provision
9 hereof be inconsistent with any rule, regulation or policy of any
10 other agency having jurisdiction, such provision shall be invalid,
11 but the remaining provisions and their application shall not be
12 affected thereby.

13 Section 3. *And Be It Further Enacted*, that this Act is hereby
14 declared to be an Emergency Act, necessary for the proper
15 operation of the County's water and sewer system, and shall take
16 effect on the date it becomes law.
17 EFFECTIVE:
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24 The Secretary of the Council does hereby
25 certify that fifteen (15) copies of this bill
26 are immediately available for distribution to
27 the public and the press.

28 Angela Markowski
29 Secretary
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